

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**LANDWORKS CREATIONS, LLC,
Plaintiff,**

V.

**UNITED STATES FIDELITY AND
GUARANTY COMPANY, and
LOVETT SILVERMAN CONSTRUCTION
CONSULTANTS, INC.
Defendants.**

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

) C.A. No. 4:05-CV-40072-FDS

USE&G'S WITNESS LIST

1. Witness List

USF&G will likely call the following witnesses:

1. Jeffrey Richards, a registered landscape architect formerly with Waterman Design Associates and currently with Meridian Associates, 69 Milk Street, Westboro, MA, will testify about the site work performed at the Project, including the deficiencies of the work performed by Landworks he observed in the fall and early winter of 2004.

2. James Peters, Jr., Regional Claim Officer, Travelers, One Tower Square, Hartford, CT, will testify concerning payments made by USF&G with respect to Landworks' defective and incomplete work and the investigation and handling of Landworks' claims.

3. Kathy Crockett, an architect with Lamoureux, Pagano Associates, 14 East Worcester Street, Worcester, MA, will testify about the work performed at the Project, including that of Landworks.

4. Richard McGuinness, 48 Early Red Circle, Plymouth, MA, formerly with Jackson

Construction Company, will testify regarding his conversations with Neal Matthews from Landworks regarding the contract between Landworks and Jackson.

5. Robert Morel, from G&R Construction, Inc., 150 Wood Road, Braintree, MA, will testify regarding the site work that G&R performed and the cost of the site work.

6. Robert Bullock, 19 Goldenrod Dr., Carlisle, PA 17013, from Lovett-Silverman, will testify regarding the condition of the site work at the Project in 2005, and, if need be, the G.L. c.93A/176D issues in the case.

7. Additional Witnesses. USF&G reserves its right to call the witnesses listed in its Rule 26(a) Disclosures and those listed by the plaintiff.

8. Any keeper of the records required to authenticate/admit into evidence the proposed exhibits if not previously agreed upon by the parties.

2. Expert Witnesses

1. As indicated in USF&G's Expert Disclosures, George Byl, of Restructure Company, Inc., will testify that the fair and reasonable value of repairing and completing Landworks' work was between \$268,000 and \$469,000, which exceeds the amount claimed by Landworks.

2. As indicated in USF&G's Expert Disclosures, Michael Pellegri, Vice President of Vertex Construction Services, Inc., will testify that he reviewed the cost of the work performed by G&R under specifications: earthwork (02200), erosion control (02250), bituminous concrete paving and markings (02511), concrete paving (02515), storm drainage and sanitary sewer systems (02705), water system (02713), and lawns and grasses (02930), and will testify that USF&G paid G&R over \$700,000 for this work.

Respectfully submitted,
**UNITED STATES FIDELITY &
GUARANTY COMPANY,**
By its attorneys,

/s/ Peter G. Hermes

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Date: May 13, 2008

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants (none) on May 13, 2008.

/s/ Peter G. Hermes

Peter G. Hermes